

BOBBY DARRICK JONES,)
)
 Plaintiff,)
)
 Vs.) ORDER
)
 ANDREW M. SAUL,)
)
 Defendant.)
 _____)

The Plaintiff appealed the denial of disability benefits to this Court arguing, *inter alia*, that the Court should remand his case for a new hearing because the ALJ that presided over his case was not properly appointed under the Appointments Clause of the United States Constitution. This Court originally found that the Plaintiff had forfeited this challenge because he failed to raise it during the administrative proceedings. The Plaintiff appealed. While his case was pending at the Fourth Circuit, the United States Supreme Court issued its decision in the *Carr* case. In *Carr*, the Court held that social security plaintiffs do not forfeit an Appointments Clause challenge by failing to raise it at the agency level. *Id.* at 1356. Accordingly, this Court hereby remands this case for a new hearing and *de novo* decision by a different, properly appointed ALJ. *See Lucia v. S.E.C.*, 138 S. Ct. 2044, 2055 (2018).

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the Social Security Administration shall assign a new, properly appointed ALJ to Plaintiff's claim.

Signed: August 2, 2021

A handwritten signature in black ink, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen
United States District Judge

